IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 5894 of 2005
with
SPECIAL CIVIL APPLICATION No. 5895 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE K.A.PUJ

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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NAYANBALABEN NARENDRAKUMAR VYAS & 1 - Petitioner(s)
Versus
HOUSING COMMISSIONER & 1 - Respondent(s)

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Appearance :

MR HARDIK RAVAL for Petitioner(s) : 1 - 2.
MR HS MUNSHAW for Respondent(s) : 1,
MR MB PARIKH for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE K.A.PUJ

Date : 27/12/2006

ORAL JUDGMENT

1. The petitioners – original plaintiffs have filed these two petitions under Article-

227 of the Constitution of India, praying for quashing and setting aside the order passed by the learned Civil Judge (S.D.) Amreli below an application Ex.170 dated 31.12.2004 and below an application Ex.174 dated 5.2.2005, as per Annexures-A & B in Regular Civil Suit No.426 of 1988 and further has prayed for furnishing particulars in application Ex.174.

2. This Court has issued rule on 11.5.2005 and granted stay in terms of para-11(C) of the petition, whereby the further proceeding of Regular Civil Suit No.426 of 1988 pending in the Court of Civil Judge (S.D.) Amreli, were stayed.

3. Heard Mr.Hardik Raval, learned advocate appearing for the petitioners and Mr.Gajendra P.Baghel for Mr.H.S.Munshaw, for respondent No.1. Mr.M.B.Parikh, learned advocate appearing for the respondent No.2 have not

remained present. The suit is of 1988 and orders under challenge are on the interim application moved by the petitioners – original plaintiffs during the pendency of the suit. Without going into the merits of the matter and without entering into the motive of the either of the party for non-disposal of the suit till this date, the Court hereby directs the trial Court to dispose of the suit as expeditiously as possible, preferably within the period of six months from the date of receipt of writ from this Court or from the date of receipt of the certified copy of this order, which ever is earlier.

4. It is open for the petitioners – original plaintiffs to avail the remedy available to them under the law, more particularly under the Right to Information Act and to move an appropriate application before the trial Court, if necessary particulars or documents

are received from Housing Board. Such application may be decided by the trial Court on its own merits, without being influenced by the order passed in these two petitions.

5. Subject to the aforesaid observation, both these petitions are disposed of accordingly. Rule is discharged without any order as to costs.

(K. A. PUJ, J.)

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